1	PUBLIC LAND USE AMENDMENTS
2	2024 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Carl R. Albrecht
5	Senate Sponsor: Heidi Balderree
6	
7	LONG TITLE
8	General Description:
9	This bill changes provisions relating to public land use in the state.
10	Highlighted Provisions:
11	This bill:
12	<ul> <li>defines terms;</li> </ul>
13	<ul> <li>requires the Public Lands Policy Coordinating Office to recognize and promote</li> </ul>
14	principles of multiple use and sustained yield on federal public lands within the
15	state; and
16	<ul> <li>prohibits natural asset companies from purchasing or leasing state public lands.</li> </ul>
17	Money Appropriated in this Bill:
18	None
19	Other Special Clauses:
20	None
21	Utah Code Sections Affected:
22	AMENDS:
23	63L-11-302, as enacted by Laws of Utah 2021, Chapter 382
24	63L-13-101, as enacted by Laws of Utah 2023, Chapter 61
25	ENACTS:
26	63L-13-203, Utah Code Annotated 1953
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28	Be it enacted by the Legislature of the state of Utah:
29	Section 1. Section 63L-11-302 is amended to read:
30	63L-11-302. Principles to be recognized and promoted.
31	The office shall recognize and promote the following principles when preparing any
32	policies, plans, programs, processes, or desired outcomes relating to federal lands and natural
33	resources on federal lands under Section 63L-11-301:
34	(1) (a) the citizens of the state are best served by applying multiple-use and
35	sustained-yield principles in public land use planning and management; and
36	(b) multiple-use and sustained-yield management means that federal agencies should
37	develop and implement management plans and make other resource-use decisions that:
38	(i) achieve and maintain in perpetuity a high-level annual or regular periodic output of
39	mineral and various renewable resources from public lands;
40	(ii) support valid existing transportation, mineral, and grazing privileges at the highest
41	reasonably sustainable levels;
42	(iii) support the specific plans, programs, processes, and policies of state agencies and
43	local governments;
44	(iv) are designed to produce and provide the desired vegetation for the watersheds,
45	timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet
46	present needs and future economic growth and community expansion without permanent
47	impairment of the productivity of the land;
48	(v) meet the recreational needs and the personal and business-related transportation
49	needs of the citizens of the state by providing access throughout the state;
50	(vi) meet the recreational needs of the citizens of the state;
51	(vii) meet the needs of wildlife;
52	(viii) provide for the preservation of cultural resources, both historical and
53	archaeological;
54	(ix) meet the needs of economic development;
55	(x) meet the needs of community development; and
56	(xi) provide for the protection of water rights;
57	(2) managing public lands for wilderness characteristics circumvents the statutory
58	wilderness process and is inconsistent with the multiple-use and sustained-yield management

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59	standard that applies to all Bureau of Land Management and United States. Forest Service
60	lands that are not wilderness areas or wilderness study areas;
61	(3) all waters of the state are:
62	(a) owned exclusively by the state in trust for the state's citizens;
63	(b) are subject to appropriation for beneficial use; and
64	(c) are essential to the future prosperity of the state and the quality of life within the
65	state;
66	(4) the state has the right to develop and use the state's entitlement to interstate rivers;
67	(5) all water rights desired by the federal government must be obtained through the
68	state water appropriation system;
69	(6) land management and resource-use decisions which affect federal lands should give
70	priority to and support the purposes of the compact between the state and the United States
71	related to school and institutional trust lands;
72	(7) development of the solid, fluid, and gaseous mineral resources of the state is an
73	important part of the economy of the state, and of local regions within the state;
74	(8) the state should foster and support industries that take advantage of the state's
75	outstanding opportunities for outdoor recreation;
76	(9) wildlife constitutes an important resource and provides recreational and economic
77	opportunities for the state's citizens;
78	(10) proper stewardship of the land and natural resources is necessary to ensure the
79	health of the watersheds, timber, forage, and wildlife resources to provide for a continuous
80	supply of resources for the people of the state and the people of the local communities who
81	depend on these resources for a sustainable economy;
82	(11) forests, rangelands, timber, and other vegetative resources:
83	(a) provide forage for livestock;
84	(b) provide forage and habitat for wildlife;
85	(c) provide resources for the state's timber and logging industries;
86	(d) contribute to the state's economic stability and growth; and
87	(e) are important for a wide variety of recreational pursuits;
88	(12) management programs and initiatives that improve watersheds and forests and
89	increase forage for the mutual benefit of wildlife species and livestock, logging, and other

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agricultural industries by utilizing proven techniques and tools are vital to the state's economyand the quality of life in the state; and

92 (13) (a) land management plans, programs, and initiatives should provide that the
93 amount of domestic livestock forage, expressed in animal unit months, for permitted, active
94 use as well as the wildlife forage included in that amount, be no less than the maximum
95 number of animal unit months sustainable by range conditions in grazing allotments and
96 districts, based on an on-the-ground and scientific analysis;

97 (b) the state opposes the relinquishment or retirement of grazing animal unit months in98 favor of conservation, wildlife, and other uses;

99 (c) the state supports the multiple-use, sustained-yield framework required by federal
 100 law for management of public lands and opposes federal prioritization of conservation as a use
 101 equal to other productive uses of public lands;

102 [(c)] (d) (i) the state favors the best management practices that are jointly sponsored by
103 cattlemen, sportsmen, and wildlife management groups such as chaining, logging, seeding,
104 burning, and other direct soil and vegetation prescriptions that are demonstrated to restore
105 forest and rangeland health, increase forage, and improve watersheds in grazing districts and
106 allotments for the benefit of domestic livestock and wildlife;

(ii) when practices described in Subsection [(13)(c)(i)] (13)(d)(i) increase a grazing
allotment's forage beyond the total permitted forage use that was allocated to that allotment in
the last federal land use plan or allotment management plan still in existence as of January 1,
2005, a reasonable and fair portion of the increase in forage beyond the previously allocated
total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced
committee of livestock and wildlife representatives that is appointed and constituted by the
governor for that purpose; and

(iii) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will, when making those adjustments, give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point of listing under the terms of the Endangered Species Act;

120 [(d)] (e) the state opposes the transfer of grazing animal unit months to wildlife for

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121 supposed reasons of rangeland health;

122 [(e)] (f) reductions in domestic livestock animal unit months must be temporary and
 123 scientifically based upon rangeland conditions;

124 [(f)] (g) policies, plans, programs, initiatives, resource management plans, and forest 125 plans may not allow the placement of grazing animal unit months in a suspended use category 126 unless there is a rational and scientific determination that the condition of the rangeland 127 allotment or district in question will not sustain the animal unit months sought to be placed in 128 suspended use;

129 [(g)] (h) any grazing animal unit months that are placed in a suspended use category
 130 should be returned to active use when range conditions improve;

131 [(h)] (i) policies, plans, programs, and initiatives related to vegetation management 132 should recognize and uphold the preference for domestic grazing over alternate forage uses in 133 established grazing districts while upholding management practices that optimize and expand 134 forage for grazing and wildlife in conjunction with state wildlife management plans and 135 programs in order to provide maximum available forage for all uses; and

[(i)] (j) in established grazing districts, animal unit months that have been reduced due
to rangeland health concerns should be restored to livestock when rangeland conditions
improve, and should not be converted to wildlife use.

139 Section 2. Section **63L-13-101** is amended to read:

140 **63L-13-101. Definitions.** 

141 As used in this chapter:

142 (1) (a) "Conservation lease" means a lease on a parcel of public land that:

- 143 (i) restricts the use of the parcel for the sole or primary purpose of preserving or
- 144 protecting the land or the land's natural resources;

145 (ii) prohibits the extraction of the land's natural resources; or

- 146 (iii) is managed according to an agreement that contradicts the principles of multiple
- 147 use and sustained yield, including the multiple-use, sustained-yield principles in the Federal
- 148 Land Policy and Management Act, 43 U.S.C. 1732, and the National Forest Management Act,

149 <u>16 U.S.C. 1604.</u>

- 150 (b) "Conservation lease" includes a lease that is substantially similar to a lease
- 151 <u>described in Subsection (1)(a).</u>

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152	(c) "Conservation lease" does not include a conservation easement, as that term is
153	defined in Section 57-18-2.
154	(2) (a) "Ecosystem services" mean the natural and biological processes on a parcel of
155	land that benefit human well-being and quality of life.
156	(b) "Ecosystem services" include the:
157	(i) conversion of carbon dioxide to oxygen in plants through photosynthesis;
158	(ii) purification of in-stream surface water or groundwater by naturally-occurring
159	microorganisms, soil or bedrock percolation, or chemical detoxification; and
160	(iii) noncommercial recreational benefit of natural lands.
161	[(1)] (3) "Interest in land" means any right, title, lien, claim, interest, or estate with
162	respect to land.
163	$\left[\frac{(2)}{(4)}\right]$ (a) "Land" means all real property within the state.
164	(b) "Land" includes:
165	(i) agricultural land, as defined in Section 4-46-102;
166	(ii) land owned or controlled by a political subdivision;
167	(iii) land owned or controlled by a school district;
168	(iv) non-federal land, as defined in Section 9-9-402;
169	(v) private land;
170	(vi) public land;
171	(vii) state land, as defined in Subsection 9-9-402(14)(a);
172	(viii) waters of the state, as defined in Subsection 19-5-102(23)(a); and
173	(ix) subsurface land.
174	(c) "Land" does not include real property that is owned, controlled, or held in trust by
175	the federal government.
176	(5) (a) "Natural asset company" means a company that has the meaning given under the
177	notice of the Securities and Exchange Commission titled Notice of Filing of Proposed Rule
178	Change To Amend the NYSE Listed Company Manual To Adopt Listing Standards for Natural
179	Asset Companies, 88 Fed. Reg. 68811, published October 4, 2023.
180	(b) "Natural asset company" includes a company that is substantially similar to a
181	company described in Subsection (5)(a).
182	[(3)] (6) "Restricted foreign entity" means:

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183	(a) a company that the United States Secretary of Defense is required to identify and
184	report as a military company under Section 1260H of the William M. (Mac) Thornberry
185	National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283;
186	(b) an affiliate, subsidiary, or holding company of a company described in Subsection
187	[(3)(a)] (6)(a);
188	(c) a country with a commercial or defense industrial base of which a company
189	described in Subsection [ <del>(3)(a)</del> ] (6)(a) or (b) is a part;
190	(d) a state, province, region, prefecture, subdivision, or municipality of a country
191	described in Subsection [ <del>(3)(c)</del> ] (6)(c); and
192	(e) an agency, bureau, committee, or department of a country described in Subsection
193	[ <del>(3)(c)</del> ] <u>(6)(c)</u> .
194	Section 3. Section 63L-13-203 is enacted to read:
195	63L-13-203. Natural asset companies prohibited.
196	(1) A natural asset company may not purchase or lease state public lands.
197	(2) On public lands within the state, a natural asset company may not:
198	(a) own or manage a conservation lease; or
199	(b) purchase or lease ecosystem services.
200	Section 4. Effective date.
201	This bill takes effect on May 1, 2024.